

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CLAYTON OSBON,

Plaintiff,

-against-

JETBLUE AIRWAYS CORPORATION,

Defendant.

Civil Action No. 1:15 Civ. 2306 (LGS)

**DEFENDANT JETBLUE AIRWAYS CORPORATION'S NOTICE OF
MOTION TO DISMISS PLAINTIFF CLAYTON OSBON'S AMENDED
COMPLAINT IN ITS ENTIRETY**

TO: Clayton Osbon
c/o Matthew J. McDonald, Esq.
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PLEASE TAKE NOTICE, that the undersigned hereby moves this Court for an Order granting JetBlue Airways Corporation ("Defendant") dismissal of Plaintiff Clayton Osbon's ("Plaintiff") Amended Complaint pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure on the grounds that: (i) the Court lacks jurisdiction over the negligence causes of action asserted in Plaintiff's Amended Complaint; (ii) Plaintiff's claims are subject to federal preemption (both under the Federal Aviation Act and the Airline Deregulation Act); (iii) the allegations in Plaintiff's Amended Complaint (even if not barred or preempted) fail to state a claim upon which relief may be granted; and (iv) Plaintiff's contract claim is duplicative of his negligence claims (and vice versa).

PLEASE TAKE FURTHER NOTICE, that, in support of the instant motion, Defendant will rely on Defendant's Memorandum of Law In Support of Its Motion to Dismiss Plaintiff's Amended Complaint and the Affidavit of Matthew A. Steinberg, Esq. (with Exhibit A attached thereto).

PLEASE TAKE FURTHER NOTICE, that, because Defendant has effected in-person service on this day, Plaintiff's opposition papers, if any, must be served within fourteen (14) days (on or before August 6, 2014) in accordance with Local Rule 6.1(b) of the United States District Court of the Southern District of New York.

PLEASE TAKE FURTHER NOTICE, that Defendant's reply papers, if any, must be served within seven (7) days of service of Plaintiff's opposition papers or otherwise in accordance with applicable law.

Respectfully submitted,

AKERMAN LLP

By: /s/ Matthew A. Steinberg

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2015, I caused to be served a true and correct copy of the foregoing Notice of Motion, Defendant's Memorandum of Law In Support of Its Motion to Dismiss Plaintiff's Amended Complaint, and Affidavit of Matthew A. Steinberg, Esq. (with Exhibit A attached thereto), via Electronic Filing and personal delivery.

/s/ Matthew A. Steinberg
Matthew A. Steinberg